IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 1187 of 2007(N)

PETITIONER:

T.P. AMBROSE, S/O.LATE PETER,
THANIPPILLY HOUSE, HOUSE NO.XLII/936,
POWER HOUSE ROAD, ERNAKULAM, COCHIN-682 018.

BY ADV. SRI.N.SUBRAMANIAM
SRI.M.S.NARAYANAN

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT, COLLECTORATE,
THRIKKAKARA, ERNAKULAM.

2. THE SECRETARY, CORPORATION OF KOCHI,
NEAR BOAT JETTY, ERNAKULAM.

3. THE DISTRICT MEDICAL OFFICER,
NEAR BOAT JETTY, ERNAKULAM.

4. THE SENIOR ENVIRONMENT ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
GANDHI NAGAR, KADAVANTHARA, ERNAKULAM.

5. REV.VICAR, ST.MARY'S CATHEDRAL
BASILICA, BROADWAY, ERNAKULAM.

R1, R3 BY GOVT. PLEADER SRI.I.V.PRAMOD
R2 BY ADV. SRI.S.RAMESH BABU, SC, COCHIN CORP
R4 BY SRI.M.K.CHANDRA MOHANDAS
R5 BY SRI.JIMMY JOHN VELLANIKARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.1187 OF 2007

Dated this the 13th day of March, 2007

JUDGMENT

Following Ext.P1 judgment, learned counsel for the Corporation submits that report of the Corporation has been placed before the District Collector on 26.2.2007. If that be so, the 4th respondent Pollution Control Board and the third respondent District Medical Officer will also place their views before the first respondent District Collector within a period of four weeks from now. Thereafter, the District Collector will proceed in terms of Ext.P1 and this judgment, and hear all the parties and take a final decision, having regard to the report of the Secretary of the Corporation, the competent officer in the Pollution Control Board and the District Medical Officer. Let such decision be taken within an outer limit of eight weeks. Needless to say all private parties involved in this litigation will be entitled to be heard by the District Collector.

2. The decision as aforedirected shall be taken untrammelled by anything stated herein or in Ext.P1 judgment on the merits. The aforesaid direction and the direction in Ext.P1 judgment are being issued in the peculiar facts and circumstances of this case and therefore, the District Collector will be acting under the writ contained in this judgment. Hence the provisions of the Municipalities Act that it is the Commissioner of the Corporation who has to take decision will not have any effect in the proceedings directed above.

3. The petitioner will produce a copy of this judgment before respondents 1, 3 and 4.

The writ petition is disposed of with the above directions.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.